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Attorneys for Defendants, Fidelity National
Title Insurance Co. of New York and Nations
Title Insurance of New York, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

WALSH SECURITIES, INC.,

Plaintiff,

V.

:
:
:
: Judge Dickinson R. Debevoise
: Magistrate Judge Michael A. Shipp

CRISTO PROPERTY MANAGEMENT, LTD., a/k/a
G.J.L. LIMITED; DEK HOMES OF NEW JERSEY, INC.;
OAKWOOD PROPERTIES, INC.; NATIONAL HOME
FUNDING, INC.; CAPITAL ASSETS PROPERTY
MANAGEMENT & INVESTMENT CO., INC.; CAPITAL
ASSETS PROPERTY MANAGEMENT, LLC; WILLIAM
KANE; GARY GRIESER; ROBERT SKOWRENSKI, II;
RICHARD CALANNI; RICHARD DiBENEDETTO;
JAMES R. BROWN; THOMAS BRODO; ROLAND
PIERSON; STANLEY YACKER, ESQ.; MICHAEL
ALFIERI, ESQ.; RICHARD PEPSNY, ESQ.; ANTHONY
M. CICALESE, ESQ.; LAWRENCE CUZZI; ANTHONY
D'APOLITO; DAP CONSULTING, INC.;
COMMONWEALTH LAND TITLE INSURANCE CO.;
NATIONS TITLE INSURANCE OF NEW YORK, INC.;
FIDELITY NATIONAL TITLE INSURANCE CO. OF
NEW YORK; COASTAL TITLE AGENCY; STEWART
TITLE GUARANTY COMPANY; IRENE DiFEO;
DONNA PEPSNY; WEICHERT REALTORS; and
VECCHIO REALTY, INC., d/b/a MURPHY REALTY
BETTER HOMES AND GARDENS,
Defendants.

No. 97-3496 (DRD)(MAS)

Motion Return Date:

**CERTIFICATION OF
EDWARD J. HAYES IN
SUPPORT OF MOTION
FOR PARTIAL SUMMARY
JUDGMENT**

I, EDWARD J. HAYES, hereby certify as follows:

1. I am an attorney-at-law licensed to practice in the Commonwealth of Pennsylvania and am a partner in the law firm of Fox Rothschild LLP, attorneys for Fidelity National Title Insurance Company of New York and Nations Title Insurance Company of New York (collectively, "Fidelity"). On February 5, 1998, the Court granted my admission pro hac vice in this matter. As such, I am fully familiar with the facts stated herein based upon personal knowledge and review of documents. I make this certification in support of Fidelity's motion for partial summary judgment in connection with certain of the claims submitted by Plaintiff, Walsh Securities, Inc. ("Walsh").

2. Attached hereto as Exhibit "A" are copies of documents submitted by counsel for Walsh identifying the 39 properties on which Walsh is submitting a title claim and indicating the nature of the title claim as to each property.

3. The title claims being presented by Walsh on most of the properties arise from the fact that the mortgages held by Walsh were divested by certain foreclosure tax sales of the properties. Walsh contends that it did not receive notice of those foreclosure tax sales as a result of the fact that assignments of the mortgages to Walsh were not recorded at the time of the foreclosure tax sales.

4. Upon receipt of these claim notices, I retained Accurate Abstracts, 642 Broad Street, Suite LL2, Clifton, New Jersey 07013 to perform title searches on each of the properties identified by Walsh in the claim submissions. Based on this request, I received title searches on each of the properties and they have been reviewed in detail.

5. Attached as Exhibit "B" is a chart which has been prepared summarizing the results of the title searches on 29 of the 39 properties. I have not attached all of the title search

result documents received from Accurate Abstracts due to the sheer volume of documentation generated by those search requests. However, those documents have been provided to all counsel and are available for submission to the Court if desired.

6. Attached as Exhibit "C" is the form of closing instruction letter issued by Walsh in the National Home Funding transactions which are the subject of this litigation.

7. Attached as Exhibit "D" are copies of relevant portions of the deposition transcript of Robert C. Walsh, the president of Walsh.

8. Attached as Exhibit "E" is a copy of the jacket for the ALTA 1992 loan policy.

I certify under the penalty of perjury that the foregoing statements made by me are true and correct.

Date: November 10, 2011

s/ Edward J. Hayes, Esquire